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Application No. 10/728,876 - Amendment filed July 19, 2006

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**REMARKS**

Claims 1-3, 15, and 21-28 are now in the case.

By this Office Action, the Examiner has required restriction of the above-identified application to one of the following inventions 35 U.S.C. 121.

Group I: Claims 1-3 drawn to bacterial compositions;

Group II: Claims 4-17 drawn to a process of biocontrol of scab;

Group III: Claims 18 drawn to a process for modifying the biocontrol efficiency of a bacterial strain by fusion; and

Group IV: claims 19-20 drawn to a process of making a biocontrol agent against scab.

Responsive to the Requirement for Restriction, Applicant wishes to elect to prosecute the invention of Group I covering claims 1-3 and new claims 21-23. Claims 4-14 and 16-20 are cancelled. Claims 15 and 24 to 28 which depend directly or indirectly from claims in elected Group I are maintained in view of the possibility of their rejoinder.

In accordance with this election, applicants reserve all rights in the non-elected claims (and now, for some of them, cancelled claims), including the right to file one or more divisional applications covering the subject matter thereof.

Further, in view of the provisional election of the product claims above, applicants acknowledge the possibility of rejoinder of any non-elected process claims that depend from or otherwise include all the limitations of the patentable product, as noted in the Office Action, and look forward to receiving notification to that effect in due course.

Respectfully submitted,

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